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10  
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13  
14  
15 **IN THE UNITED STATES DISTRICT COURT**

16 **FOR THE DISTRICT OF ARIZONA**

17  
18 **Andrew Olason,**

19 Plaintiff,

20 v.  
21  
22 **The Phoenix Recovery Group;**  
23 **XYZ, LLC;**  
24 **ABC, Corp.,**

25 Defendants.

26  
27  
28 **COMPLAINT**

29  
30 **I. INTRODUCTION**

31 1. This is an action for damages brought by an individual consumer for Defendant's  
32 violations of the federal Fair Debt Collection Practices Act, 15 U.S.C. §1692, et seq.  
33 (hereinafter "FDCPA").

34  
35 **II. JURISDICTION**

36 2. Plaintiff's claim for violations of the FDCPA arises under 15 U.S.C. §1692k(d), and  
37 therefore involves a "federal question" pursuant to 28 U.S.C. §1331.

38  
39 **III. PARTIES**

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3. Plaintiff, Andrew Olason (“Plaintiff”), is a natural person residing in Maricopa County, Arizona.
4. Defendant, upon information and belief Phoenix Recovery Group (“Defendant”) is a corporation engaged in the business of collecting debts by use of the mails and telephone. Defendant regularly attempts to collect debts alleged due another.
5. Defendant, XYZ, LLC is an unknown LLC, doing business as the Phoenix Recovery Group and is engaged in the business of collecting debts by use of the mails and telephone. Defendant regularly attempts to collect debts alleged due another.
6. Defendant, ABC, Corp. is an unknown Corporation, doing business as the Phoenix Recovery Group and is engaged in the business of collecting debts by use of the mails and telephone. Defendant regularly attempts to collect debts alleged due another.

#### IV. FACTUAL ALLEGATIONS

7. Defendant is a “debt collector” as defined by FDCPA, 15 U.S.C. 15 U.S.C. §1692a(6).
8. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. §1692a(3).
9. All activities of Defendant set out herein were undertaken in connection with the collection of a “debt,” as defined by 15 U.S.C. §1692a(5).
10. Within the last year, Defendant did multiple actions in attempt to collect a debt from Plaintiff. Defendant’s conduct violated the FDCPA in multiple ways including, but not limited to the following:
  - Communicating with people who were not the consumer and failing to identify themselves, failing to state they are confirming or correcting location information of the consumer (15 U.S.C. §1692b(1));
  - Communicating with people who were not the consumer and stating the consumer owes a debt (15 U.S.C. §1692b(2));

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- Communicating with people who were not the consumer more than once when not requested to do so (15 U.S.C. §1692b(3));
- Communicating with people who were not the consumer and telling them they were in the debt collection business and that the communication relates to the collection of a debt (15 U.S.C. §1692b(5));
- Communicating with third parties regarding the debt without prior consent of the consumer (15 U.S.C. §1692c(b));
- Using false, deceptive, or misleading representation or means in connection with the debt through the false representation of the character, amount, or legal status of any debt (15 U.S.C. §1692e(2)(A));
- Using false, deceptive, or misleading representation or means in connection with the debt through false representation or implication that the consumer committed any crime or other conduct to disgrace the consumer (15 U.S.C. §1692e(7));
- Using false, deceptive, or misleading representation or means in connection with the debt through threatening to communicate credit information which is known or which should be known to be false (15 U.S.C. §1692e(8));
- Using false, deceptive, or misleading representation or means in connection with the debt through distributing written communication and documents which creates the false impression it was authorized by the court (15 U.S.C. §1692e(9));
- Using false, deceptive, or misleading representation or means in connection with the debt through using a false representation or deceptive means to collect a debt (15 U.S.C. §1692e(10)); and

1           • Using false, deceptive, or misleading representation or means in connection with  
2           the debt through the false representation or implication that documents are legal  
3           process (15 U.S.C. §1692e(13)).  
4

5           11. As a result of the aforementioned violations, Plaintiff suffered and continues to suffer  
6           injuries to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and  
7           severe emotional distress.  
8

9           12. Defendant intended to cause, by means of the actions detailed above, injuries to Plaintiff's  
10           feelings, personal humiliation, embarrassment, mental anguish and severe emotional  
11           distress  
12

13           13. Defendant's actions detailed above, were undertaken with extraordinary disregard of, or  
14           indifference to, known or highly probable risks to purported debtors.  
15

16           14. To the extent Defendant's actions, detailed in paragraphs above, were carried out by an  
17           employee of Defendant, that employee was acting within the scope of his or her  
18           employment.  
19

20           **COUNT I: VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT**  
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22           15. Plaintiff reincorporates by reference all of the preceding paragraphs.  
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24           16. The preceding paragraphs state a prima facie case for Plaintiff against Defendant for  
25           violations of the FDCPA.  
26

27           **PRAAYER FOR RELIEF**  
28

29           WHEREFORE, Plaintiff respectfully prays the judgment be entered against the Defendant  
30           for the following:  
31

32           A. Declaratory judgment that Defendant's conduct violated the FDCPA;  
33           B. Actual damages pursuant to 15 U.S.C. §1692k;  
34           C. Statutory damages pursuant to 15 U.S.C. §1692k;  
35

- D. Costs, disbursements and reasonable attorney's fees for all successful claims, and any unsuccessful claims arising out of the same transaction or occurrence as the successful claims, pursuant to 15 U.S.C. §1692k; and,
- E. For such other and further relief as may be just and proper.

E. For such other and further relief as may be just and proper.

PLAINTIFF FURTHER HEREBY REQUESTS A TRIAL BY JURY

DATED April 9, 2019.

**COOK & PRICE, PLC**  
By: /s/ Jesse D. Cook  
402 E. Southern Ave.  
Tempe, Arizona 85282  
Attorneys for Defendant  
*Andrew Olason*

## **CERTIFICATE OF SERVICE**

I hereby certify that on April 9, 2019, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System for filing and transmitted a Notice of Electronic Filing to the following CM/ECF registrants.

*None*

By: /s/ Jesse D. Cook